

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, JUNE 17, 2009 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2009-May 2010</b>	
		<b>Present</b>	<b>Absent</b>
Catherine Maus, Chair	A	0	1
Rochelle Golub	A	0	1
Tom Welch, Vice Chair	P	1	0
Maria Freeman	P	1	0
Fred Stresau	P	1	0
Patrick McTigue	P	1	0
Mike Moskowitz	P	1	0
Michelle Tuggle	P	1	0
Peter Witschen	P	1	0

**Staff**

Greg Brewton, Director of Planning and Zoning  
Yvonne Redding, Planner II  
Mike Ciesielski, Planner II  
Thomas Lodge, Planner II  
Malik Mohammed, Structural Plans Examiner  
Cheryl Felder, Service Clerk  
Anthony Fajardo, Planner III  
Sharon Miller, Assistant City Attorney  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None at this time.

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1.	27R09	Capri "W" Hotel
2.	42R09	City of Fort Lauderdale
3.	8Z09	Evangelical Foundation for Christian Service
4.	35R09	2301 SE 17 <sup>th</sup> Street, LLC / Pier 66
5.	62R09	TD Bank / Edgewater Investment Partners, Inc.
6.	3P09	School Board of Broward County / Stranahan High School

7. 34R09 IL Lugano, LLC / IL Lugano Hotel
8. For the Good of the City
9. Election of Chair and Vice Chair

**Call to Order**

Vice Chair Welch called the meeting to order at 6:33 p.m. He introduced the Board members, and Director Brewton introduced the City Staff in attendance. Assistant City Attorney Miller explained the quasi-judicial process used by the Board.

Vice Chair Welch noted that he had been absent at the May 2009 Board meeting, and requested that his record of attendance be corrected.

Mr. Stresau pointed out that he does not regularly vote to approve minutes if he was not present at the meeting at which they were taken, and requested that Assistant City Attorney Miller clarify this point. She explained that no one should abstain from this vote, and should "vote the best that you can." She noted, however, that new members should not vote on minutes of meetings that occurred prior to their appointment.

**Motion** made by Mr. McTigue, seconded by Mr. Stresau, to approve the minutes of the May 2009 Board meeting. In a voice vote, the **motion** carried unanimously.

**1. Capril "W" Hotel**

**Michael Ciesielski 27R09**

**Request: \*\***

**Site Plan Level III/Signage Review in Central Beach (PRD)**

**Legal Description:**

Parcel 1 (Lots 1 and 2, Block 9, BIRCH OCEAN FRONT SUBDIVISION, P.B. 19, P.26, B.), Parcel 2 (Parcel 1 Lot 20, BIRCH ESTATES, P.B. 23, P. 24, B. and Parcel II, Lot 3, Block 9, BIRCH OCEAN FRONT SUBDIVISION, P.B. 19, P. 26, B.), Parcel 3 (Lots 22 through 24, BIRCH ESTATES, P.B. 23, P. 24, B.), Parcel 4 (Lot 21, BIRCH ESTATES, P.B. 23, P. 24, B.), Parcel 5 (Lot 19, BIRCH ESTATES, P.B. 23, P. 24, B.), Parcel 6 (Parcel 1 the N. 50' of Lot 18, BIRCH ESTATES, P.B. 23, P. 24, B., Parcel 2, the S. 65' of Lot 18, BIRCH ESTATES, P.B. 23, 24, B.), Parcel 7, the S. 50' of the N. 100' of Lot 18, BIRCH ESTATES, P.B. 23, P. 24, B., less and

except for certain portions of Lots 18, 19, 20,  
and 21, BIRCH ESTATES, P.B. 23, P. 24, B.

Address: 3101 Bayshore Drive

General Location: A1A (Fort Lauderdale Beach Boulevard  
between Bayshore Drive and Riomar Street)

District: 2

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Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Steven Tilbrook, representing the Applicant, displayed photographs of the Capri "W" Hotel, noting that this business celebrated its grand opening the previous week. The project is a mixed-use development on the Fort Lauderdale Beach, with 346 hotel units and 171 suite hotel units.

Zoning for the site is ABA on the A1A frontage, and roughly 100 ft. at the rear of the property is zoned NBRA. The project's towers are 23 floors in height. There are six uses within the mixed-use development of approximately 850,000 sq. ft. of occupied space, including 15,000 sq. ft. for retail uses, three restaurants, and two bars/lounges. Mr. Tilbrook showed the Board a view from the northeast, as well as an example of the project's A1A frontage.

He stated the Applicant is requesting sign approval in accordance with Section 47-22.4C of the ULDR. One signage request is for awning signs, which are permitted in mixed-use developments on the Beach. Mr. Tilbrook advised that Code does not adequately address mixed-use developments with retail components that are accessory to a separate primary use. This request would have a "copy" of up to 24 sq. ft. per sign. In this part of the City, Code limits awning signs to 16 sq. ft., while the rest of the City allows 24 to 32 sq. ft. per sign.

The second request is for two small wall signs, 10 sq. ft. apiece, on the A1A frontage as pedestrian-scale signs. These would be for the Steak 954 Restaurant and the Whiskey Blue Lounge.

Mr. Tilbrook addressed the applicable Code section for the awning signs, noting that 47-22.3 states lettering on awning signs is permitted to be 16 inches maximum in height. The percentage of the awning area that is signage is limited to 50%. He reiterated that only in ABA zoning is the maximum square footage of signage limited to 16 sq. ft.

Mr. Tilbrook displayed examples of signage along Bayshore Drive, pointing out that awning signs are the only type of signage permitted on this frontage. These signs are roughly 24 sq. ft., with 16 in. letters. They are set back approximately 50 ft. from the street at this location, resulting in "visibility challenges."

He clarified that the maximum size of lettering applies to both upper- and lower-case letters. The choice of upper- or lower-case lettering is based upon the name of the particular tenant. While the names of the Applicant businesses are not of a size that would exceed 18 sq. ft. in length, Mr. Tilbrook advised that there is a "need to accommodate longer-named tenants," which is the reason they are seeking a maximum of 24 sq. ft.

He showed an additional rendering of the W's central building, which houses up to four retail tenants, around the entrance to the suite hotel; he also provided examples of the wall signs on the A1A frontage, including two smaller signs directly adjacent to the stairs that lead to the restaurant/bar area. These have been removed in anticipation of approval of the larger signs.

Mr. Tilbrook explained that the restaurant and lounge are considered "accessory uses" to the W Hotel, although they occupy roughly 40,000 sq. ft. on the property. For accessory uses, only limited signage is permitted by Code, including two signs per street frontage. There are four street frontages to the property, but the Applicant is seeking only two wall signs on the A1A frontage to supplement the two awning signs above the actual business entrances.

Pursuant to Section 47-22.4 of the ULDR, in the Regional Activity Center/Beach Area, Code acknowledges that there are "complex projects" such as mixed-use developments that may not strictly comply with all aspects of the sign Code. Therefore, Code permits the Board to grant approval of Site Plan Level III for the sign package.

Michael Ciesielski, Planner, noted a scrivener's error on the Agenda, which lists the property's zone as PRD; zoning for the property is actually ABA and NBRA, as Mr. Tilbrook had stated earlier.

The Applicant's request is to erect nine total awning signs and two wall signs on the site. Awning signs would be located above the first-floor businesses that front along A1A and Bayshore Drive, and the proposed wall signs would be at pedestrian level along A1A.

Mr. Ciesielski asked that his third sentence in paragraph one, "Staff Findings," in reference to lettering on awning signs, be stricken from the record, as it was an error.

Mr. Stresau pointed out that in the exhibits provided, "Steak 954" is written in different ways: all capitals on the building signage, and capital and lower-case letters in the written material. He wished to know which example the Board is being asked to approve.

Mr. Tilbrook advised that the logo would appear in capital letters, and showed a photograph of the specific sign.

Mr. Moskowitz asked if the Central Beach Alliance (CBA) has offered any input regarding the signage. Mr. Tilbrook replied that the Applicant had reached out to this organization, but had not received a response. He affirmed that notice of this meeting had been provided.

Mr. Moskowitz also asked if new tenants joining the retail portion of the complex would need to come before the Board again to address signage. Mr. Tilbrook responded that the Applicant is requesting awning signs of 24 sq. ft. in size and 16 in. lettering; so long as other signs at the facility remain within these parameters, he did not feel it would be necessary to come back to the Board.

As there were no further questions from the Board at this time, Vice Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

Mr. Witchen asked Director Brewton how a request for 24 sq. ft. could be reconciled with the Code limitation of 16 sq. ft. Director Brewton advised that the Applicant is requesting a waiver to this particular requirement.

Mr. Stresau asked when the Board might expect to see a sign package. Director Brewton explained that his Department has previously worked to create a sign package that was rejected; they are now expecting to "devote some Staff time" to creating an appropriate sign package. He noted, however, that other moments are prioritized ahead of the sign package.

Mr. Stresau stated he had raised the issue because of the "completely new [City] Commission," and pointed out that this is the first large building on the Beach with which the Planning and Zoning Board and Board of Adjustment have encountered multiple sign packages. He hoped to pursue revisions to the sign ordinance that would take previous Board rulings, as well as Staff awareness, into account and "make room for" proposals such as the one currently before the Board.

Director Brewton advised that one item on which Staff is not particularly clear is that Applicants' relief is gained by appearing before the Board, who may approve

or deny a sign package based on what is presented by the Applicant. He agreed that this is a "burdensome" effort for larger developments, and gives the Staff an opportunity to "fine-tune" a sign package to bring it into compliance with design guidelines on the Beach area, as well as existing signs.

He estimated it would take "six months or so" before the Department's Beach plan goes into full effect.

While the issue should be addressed City-wide, Director Brewton continued, he felt there will be revisions to the sign Code that comply with the proposed design guidelines for the Beach area. Mr. Stresau felt since the building in this case is already up, it might help provide some guidelines for the new design Code being written for the Beach if this Application is approved. Director Brewton agreed that there are "various levels of review" that must be done with relation to the sign Code.

**Motion** made by Mr. Witschen, seconded by Mr. Moskowitz, to approve the Application for Site Plan Level III. In a roll call vote, the **motion** carried 7-0.

**2. City of Fort Lauderdale**

**Yvonne Redding 42R09**

**Request: \*\***

**Public Purpose Use – Allow A/C Units in Setback**

**Legal Description:**

14-50-42 N 300 of S 970 of E 766.17 of NW ¼ of SE ¼ and N 282.50 of S 970 of W 337.67 of E 1103.84 of NW ¼ of SE ¼ and N 194.22 of S 881.72 of NW ¼ of SE ¼ less E 1103.84 and N 192.22 of S 881.72 of E 247.39 of NE ¼ of SW ¼ Sec. 14

**Address:**

1765 SE 18 Street

**General Location:**

South of SE 17 Street and East of SE 10 Avenue

**District:**

4

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Steve Hillberg, representing the Applicant, stated the Application is to relocate an industrial-sized air conditioning system at the Wastewater Treatment Plant. He showed a rendering of the Plant and the air conditioning units, and explained that in 2000, the City had hired consultants to design an expansion to the effluent

station that processes treated sewage from the Plant and injects it into the Lower Floridian Aquifer.

Mr. Hillberg described the Plant as "a very troublesome installation," which is "continually failing and high-maintenance," with a piping system that is "too far away." The Applicant would like to move it behind a 9 ft. tall solid concrete perimeter wall so any effects outside the Plant are negligible. This will help maintain and improve the reliability of the effluent pump station.

Yvonne Redding, Planner, stated this request is on behalf of the City. If the air conditioning units are relocated closer to the building, they may properly serve the Wastewater Treatment Plant. The location will be as close as 2 ft. to the property line; however, it will be behind a 9 ft. wall, placed on a 130 sq. ft. pad. The unit itself is 90 sq. ft. in size. Per Code, it exceeds the location, height, and square footage allowed.

As there were no questions from the Board at this time, Vice Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

Mr. Witschen stated he was "troubled" by the amount of time it has taken this request to reach the Board, and hoped Staff would consider "other changes." He felt if the developer were a private one, he could have difficulty going through this process due to its cost. He hoped there would be a mechanism in the future to prevent an issue of this nature from having to come before the Board.

Mr. Stresau asked who owned the wall behind which the air conditioning units would be relocated. Mr. Hillberg affirmed the wall belongs to the Treatment Plant.

**Motion** made by Mr. Moskowitz, seconded by Mr. McTigue, to approve the Public Purpose Use. In a roll call vote, the **motion** carried unanimously.

3. **Evangelical Foundation for**                      **Thomas Lodge      8209**  
**Christian Service, Inc.**

**Request: \*\*\***

**Rezoning from RS-8 to CF-HS**

Legal Description:

Lot 5, Block 26, RIO VISTA ISLES UNIT 3,  
according to the plat thereof, as recorded in  
P.B. 7, P. 47, of the Public Records of Broward  
County, Florida

Address:

620 SE 9 Street

General Location: East of US 1 between SE 9 St. and Rio Vista  
Boulevard

District: 4

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Tracy Lautenschlager, representing the Applicant, advised that her client might be more easily recognizable as Rio Vista Community Church and Bethany Christian School.

The Application is to rezone a single-family lot, located immediately east of the primary church building, from RS-8 to CF-HS. The remainder of the church property is already zoned as Community Facility. The north part of the campus includes the elementary school building, a half-court gym, and a youth facility; the south side of the campus includes the church and preschool building.

Ms. Lautenschlager showed an aerial view of the property, pointing out that the single-family home will "square off" the Community Facility zoning for the south part of the campus. The house was purchased by the church for pastoral housing, but is no longer needed for this purpose. The rezoning will allow the church to renovate the building's interior for pastoral office use.

She added that there are no plans to modify the building's exterior. The use of this space will allow the church to maximize the use of the church building proper by moving some of the pastoral offices to this facility. It will be "invisible to the neighborhood" and will allow the church to more effectively use the entire property.

Ms. Lautenschlager felt the church and school have had a good relationship with the neighborhood over the years; they have recently finished a repainting project and added "fresh signage" that brings a new color scheme to the property.

There are three criteria for the rezoning:

- The rezoning is consistent with the low/medium residential land use plan, and Community Facility zoning is permitted;
- No substantial changes will be made to the neighborhood;
- The character of the area is suitable for the uses in the proposed district.

The single-family home is already surrounded by the church's Community Facility zoning, Ms. Lautenschlager pointed out, which makes it "clearly suitable" for the neighborhood.

Mr. Moskowitz asked if the local homeowners' organization, or any adjacent neighbors, have expressed any objection to the rezoning request. Ms. Lautenschlager stated that the next-door neighbor is "a renter" and the owner is out of town; the Applicant has received no response from either party. They have reached out to some members of the community association but "have not connected" with them. Before the request goes to the City Commission, the Applicant plans to more formally submit the plan to this association, and to request their support. She did not anticipate difficulties with the community association, but expressed willingness on behalf of the Applicant to address any issues that might be raised.

Mr. Stresau stated he is on the Rio Vista Board of Directors, which had met recently, and he had not been aware of the Application. He advised that the Board, as well as the City Commission, places a good deal of importance on reaching out to the community, and encouraged the Applicant to "touch base" with the Rio Vista community before this Item reaches the City Commission.

Thomas Lodge, Planner, stated that the proposed zoning change is consistent with the City's Comprehensive Plan, and would not represent a change to the neighborhood, as zoning to the west and south of the property is currently CF-HS.

Mr. Witschen asked what the process would be, if the property is rezoned to CF-HS, to convert the use of the single-family building to "another church use." Director Brewton replied that nothing would prevent the house from being used for an alternate purpose than the one presented tonight, unless the Board wishes to attach a condition to the possible recommendation for approval.

Assistant City Attorney Miller pointed out that a condition may not be placed on a rezoning request; Director Brewton noted, however, that the Applicant goes on record that the property will be used for the proposed use. He added that there would be an opportunity for the building to be put to another use if the Applicant wished.

Mr. Stresau offered the example of conversion to a day care center. Director Brewton replied, however, that this would require the formal process of site plan approval, and another appearance before the Board would be necessary to establish a new use on the property.

Mr. Witschen asked if there might be "another mechanism," rather than rezoning, that would allow the single-family home to be established as a church office.

Director Brewton felt the only other possibility would be a use variance, which would go through the Board of Adjustment.

As there were no further questions from the Board at this time, Vice Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Stresau, seconded by Ms. Freeman, to approve the Application for rezoning. In a roll call vote, the **motion** carried 5-2 (Vice Chair Welch and Mr. Witschen dissenting).

**4.     2301 SE 17<sup>th</sup> Street, LLC / Pier 66     Anthony Fajardo   35R09**

<b>Request: **</b>	<b>Amend previously approved Site Plan and extend Site Plan Approval for previously approved Site Plan Level III</b>
<b>Legal Description:</b>	All of Tract "A" of the Kimberly Plat, as recorded in P.B. 130, P. 1, of the Public Records of Broward County, Florida
<b>Address:</b>	2301 SE 17 <sup>th</sup> Street
<b>General Location:</b>	North of the intersection of Harbor Drive and SE 17 Street
<b>District:</b>	4

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Janna Lhota, representing the Applicant, introduced some members of the property's development team, including Peter Henn, owner and developer.

She stated that the Application before the Board seeks to amend, "in a very limited fashion," the prior approval granted by the Board in October 2007 for the Pier 66 Hotel and Marina. She displayed a scale model, which had been presented at the time of original approval; Ms. Lhota felt the model would again help the Board better understand the project for which the Applicant is presently seeking an extension of site plan approval.

She also provided an aerial photograph of the property, noting that it is bounded on three sides by water, including the Intracoastal Waterway. This photograph identified the area previously approved as well as the area for which the Applicant is presently before the Board.

Ms. Lhota advised that the approval in 2007 was the result of "extensive meetings" between the Applicant and Staff, as well as a good deal of neighborhood outreach. The property houses two 11-story hotel/residential towers, of which the first four stories are comprised of 52 "upscale hotel suites" while the seven top floors consist of 42 units reserved for residential use.

Another component of the property is a mixed-use parking structure, located adjacent to the 17<sup>th</sup> Street frontage road. This structure is flanked with a mixture of retail and office uses. It contains an "animated" roof deck, placed partially below grade so the structure does not rise above the descending grade of 17<sup>th</sup> Street Causeway Bridge.

Another aspect of the plan, and the subject of tonight's Application, is a four-story Dockmaster Office Building, located to the east of the existing Pier 66 Marina. The final component of the site is at the east end of the property, and consists of a proposed one and one-half story parking structure, which would house valet services for the hotel. This would be constructed where the current "underused" tennis courts are located on the facility.

The Application seeks approval of four different items:

- An exchange of uses between the Dockmaster Office Building and the mixed-use parking garage;
- Reconfiguration of a portion of the surface parking lot;
- Increase in height of the four-story building by two feet, as well as a change to the building's exterior façade;
- Approval of an extension to the existing site plan.

Ms. Lhota noted that some of these requests could be approved under the administrative provisions included in the ULDR; however, as the Applicant was required to reappear before the Board for approval of the exchange of uses and the façade change, all uses were brought to the Board at one time.

Regarding the exchange of uses, Ms. Lhota showed the Board a rendering of the two areas in question, stating that the Applicant would like to relocate the 2200 sq. ft. owner's lounge to the second floor of the mixed-use parking garage. This would allow for the consolidation of all office uses within the four-story building. Relocation of this lounge would also bring it "closer and more proximate" to the residents.

As the overall office is being reduced, the parking requirement is also reduced by a single space, Ms. Lhota noted.

The request for a reconfigured surface parking lot would allow for "more enhanced landscaping" along a pedestrian path on the property. Ms. Lhota pointed out, on the rendering, the two pedestrian connections that take guests to

the marina promenade. She displayed "before and after" drawings of the reconfiguration.

The request to increase the height of the four-story building by two feet would bring it to a height of 46 ft. 8 in. As part of the preparation of construction drawings for the building permit, the Applicant learned that there is a need to increase this height to accommodate an air conditioning system as part of the building's structural design. To mitigate the request, the Applicant has lowered the first floor ceiling heights. The building's height will remain the same from the original request, Ms. Lhota pointed out, due to "creative architecture" on the project; only the building's roofline will change.

Another request is a change to the exterior façade, which is in part due to the change in height. It was also determined that improvements could be made to the façade to "keep it in fashion" while mirroring the architecture of the property's bungalows.

The final request is for a site plan extension of 24 months, which would take the approved site plan to May 17, 2011. There are a number of reasons for this request, Ms. Lhota stated, including the fact that the original conditional approval called for the Applicant to relocate the existing guardhouse, presently at the entrance to Pier 66. "Enhanced stacking" was also a condition for traffic entering and exiting the site. After meetings with City Staff and traffic engineering, a design was agreed upon and incorporated into the final DRC plans.

The Applicant is also processing a proposed reconfiguration of the Pier 66 Marina. Ms. Lhota explained that the original reconfiguration had encountered issues with Federal and State agencies in connection with this permitting process, and the configuration has been altered to more closely mirror "what is there now." The new proposed configuration has already received County approval, and as the site will be an active hotel site, the Applicant wishes to have sufficient flexibility to coordinate not only the reconfiguration of the marina but the "upland operations" of the hotel.

Anthony Fajardo, Planner, stated that the request is to modify and extend a previously approved site plan. He noted that the Applicant's representative was "accurate in her presentation," and the original plan was approved by the Board on October 17, 2007. The Application is subject to 47-24.1.M.5, expiration of site plan and conditional use approvals, as well as 47-24.2.A.2, amendments to site plans.

Mr. Stresau asked Assistant City Attorney Miller if she could explain a memo between Assistant City Attorney Bob Dunckel and Deputy Director Wayne Jessup of Planning and Zoning; furthermore, he asked if the memo affects this Application. Assistant City Attorney Miller stated the memo is a description of

Senate Bill 360, and asked Ms. Lhota if she felt the Applicant falls into the category described by the Bill.

Ms. Lhota explained when the Applicant originally filed their request for an extension, Senate Bill 360 was still going through the legislature, as were "numerous Bills" containing language that might affect the possibility of the extension. Since that time, Senate Bill 360 was signed into law. Ms. Lhota advised the Applicant had seen various interpretations of this Bill, and had elected to proceed with the request, as the City would make the final decision on how to implement the Bill.

Assistant City Attorney Miller advised that the memo's interpretation of the Bill is as follows: if the expiration of a site plan falls between the dates of September 1, 2008, and January 1, 2012, "the extension could apply." She added that she had read the Applicant's backup materials, and the request falls within this time frame.

She continued that it is important that the extension in question tonight not "end up being a four-year extension," because it also falls within the time frame cited in the memo. If a four-year extension is not what the Applicant seeks, she advised that the Applicant should "apply under the Bill," which would give them the two-year extension they would like. It could also be noted for the record that the extension should be for two years only, "whatever prevails."

Ms. Lhota explained the Applicant's concern is that Staff has interpreted the "effectiveness" of the site plan, beginning from 30 days after their approval rather than, as the Code reads, from the time of their final DRC approval. She asked if the Board might consider "some sort of compromise."

Assistant City Attorney Miller replied that if the Applicant's intent is for a two-year extension only, language could be crafted that states the extension would not replace the automatic two-year extension as cited in the Bill.

Ms. Lhota added that an "alternative" might be a 36-month extension, which she stated was "very common." Assistant City Attorney Miller did not feel 36-month extensions were commonly granted by the Board and also indicated that the request had been advertised as a 24-month extension request.

Mr. Stresau pointed out that the Board would, in this case, be approving a revised site plan; if a 24-month extension is granted to this site plan, he asked if that would resolve the issue. Assistant City Attorney Miller advised this depends upon "where the 24 months comes from." Mr. Stresau felt this time frame would begin at the time when the revised site plan is approved; however, Assistant City Attorney Miller did not feel this was correct. She reiterated that if the goal is a

two-year extension, the Board should recommend that either the Bill or the regular approval process apply, but not both.

Mr. Moskowitz pointed out that Code specifically states the Applicant must show "good cause" for a site plan extension, and asked if this is provided in the narrative. Ms. Lhota explained that good cause comes first from the delays caused by implementation of the conditions attached to the previous approval, as well as the need to amend the site plan to ensure the building is in sufficiently good condition to pull the building permit. Staff also indicated to the Applicant that the "swap of uses" of the two buildings, as well as the façade change, required returning to the Board for permission. All these considerations were "folded into" the amended site plan application.

She added that the Marina reconfiguration is a separate request that will be "ongoing," but will be coordinated with the site plan extension.

Mr. Moskowitz noted to Staff that another condition of a site plan extension is that all applicable building, zoning, and engineering regulations remain the same. He asked if these conditions could be verified for the Applicant. Director Brewton confirmed these conditions have been met.

As there were no further questions from the Board at this time, Vice Chair Welch opened the public hearing.

Eugenia Ellis, representing the South Beach Alliance, advised that they have worked with the Applicant "all through the process," and the community is aware and supportive of the changes requested on-site.

There being no further members of the public wishing to speak on this item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Witschen, seconded by Mr. Stresau, to approve the Application for Site Plan extension, for a period not to exceed 24 months under either State Legislative or Board authority. All previously existing Staff conditions continue to apply.

In a roll call vote, the **motion** carried 7-0.

Mr. Stresau stated he wished to compliment the Applicant, as he values the view from the 17 Street Bridge to Downtown; he felt the Applicant's plans recognize the public's right to this view of the Intracoastal Waterway, and felt the Applicant is doing "a terrific job."

**5. TD Bank/Edgewater Investment Partners Inc. Yvonne Redding 6ZR09**

**Request:\*\*\***

**Rezone with Commercial Flex Allocation  
and Site Plan Approval**

**Legal Description:**

Lots 8, 9, 10, 11, and 12 less the south 15 feet thereof, and Lot 13 less the south 15 feet thereof, and Lot 14, Block 168, PROGRESSO, according to P.B. 2, P. 18 of the Public Records of Miami-Dade County, Florida

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**Address:**

1701 East Sunrise Boulevard

**General Location:**

North side of Sunrise Boulevard, west of 18

**District:**

2

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Heidi Davis, representing the Applicant, stated that TD Bank is proposing to develop a community branch bank at the address above. She introduced representatives of the Applicant's development team at this time.

The Applicant requests site plan approval and rezoning of the property to accommodate the proposed bank. The property is L-shaped, just under an acre in size, and surrounded by three streetfronts: Sunrise Boulevard, 17<sup>th</sup> Avenue to the west, and 17<sup>th</sup> Terrace to the east. Both 17<sup>th</sup> Avenue and 17<sup>th</sup> Terrace are dead-end streets, which end north of the property.

There is currently a dilapidated and vacant structure on the property, which Ms. Davis described as an "eyesore." The property is fenced and is presently void of landscaping. TD Bank proposes to demolish the structure and redevelop the property with a 3900 sq. ft. community branch bank, including drive-through services.

Due to the size of a 3900 sq. ft. structure on a 40,000 sq. ft. property, the Applicant maintains only 10% lot coverage. The property includes "green and open space," large landscaped areas, and tree-lined sidewalks, which will continue the redevelopment patterns and connectivity recently seen on the Sunrise Boulevard corridor. The site plan provides generous setbacks and landscape buffers, and includes a landscaped area along Sunrise Boulevard. The building is also set back over 75 ft. from the rear property line, which includes a landscape buffer yard of approximately 20 ft.

The bank's design is in a modern style, with doors and windows that allow natural light into the interior of the building. The bank will contain drive-through lanes, but no drive-through or outside ATM: this machine will be placed inside the building, in a secure, "access-controlled" foyer.

The Applicant's request is for site plan approval in conjunction with a rezoning and flex application, Ms. Davis advised. The property currently contains a split zoning, with the southern portion zoned B-1 and the northern portion zoned RMM-25. ~~In order to satisfy the flexibility rules for the underlying residential land use,~~ the Applicant requests that the entire property be rezoned to CB. This is a Community Business District, and is the most restrictive, least intensive business district found in the City's ULDR.

Section 47-24.4 of the ULDR requires the Applicant to satisfy three criteria for this rezoning. Ms. Davis stated the Applicant has submitted a detailed narrative with the application, explaining how these criteria are addressed. This narrative was incorporated into the Staff Report. The criteria are as follows:

- The zoning district proposed must be consistent with the City's Comprehensive Plan: according to the Plan, uses in a CB district are also permitted in areas designated "residential," as per flexibility rules. The City has determined that this Application satisfies these rules and is consistent with the Comprehensive Plan.
- Substantial changes in the character of development in or near the area under consideration must support the proposed rezoning: the proposed rezoning is consistent with the changes and redevelopment of the surrounding area.
- The character of the area is suitable for the uses permitted in the proposed zoning district: in the past, this property has always been used for Community Business endeavors, and the properties located to the east, west, and south are zoned B-1 and CB, currently used for commercial purposes.

Ms. Davis described the proposed bank as a "very low-intensive use," which will be compatible with and serve the surrounding residential and commercial zoning districts and uses. The Application contains narratives that detail how the bank would satisfy the ULDR and neighborhood compatibility requirements. She asserted that there are "absolutely no impacts" on the surrounding neighborhood.

Yvonne Redding advised that Ms. Davis had addressed many of the details found in the Staff Report. She noted that the property's rear lots, zoned RMM-25, have been incorporated into the development of the site. She also pointed out how zoning along Sunrise Boulevard moves "in and out" of various zones along the corridor.

While rezoning to CB is more intensive than the present RMM-25 zoning, it is still less intensive than the B-1 district in which it was originally zoned.

Mr. Moskowitz asked the Applicant if Edgewater Investment Partners, Inc., owns the property and is leasing it to TD Bank, or if they are part of TD Bank. Ms. Davis explained that the partnership plans to lease the property to TD Bank.

As there were no further questions from the Board at this time, Vice Chair Welch opened the public hearing.

Rixon Rafter, President of the Lake Ridge Civic Association, stated the plan has been received with "mixed reaction" by the neighborhood, and has yet to come to a consensus on the proposed lease. He felt while some of TD Bank's traditions are "extraordinarily outstanding," others in the community are not yet comfortable with the prospective lessee.

Ms. Freeman asked if Mr. Rafter could outline some of the specifics with which members of the community are uncomfortable. Mr. Rafter continued that there is an "anti-business" faction in the neighborhood who does not want any residential land converted to potential business use.

Mohamed Haru owns the property adjacent to the site, and asserted he is glad to see someone "doing something about it," as more business is needed in the neighborhood; furthermore, he felt the structure presently on the site is an eyesore and a hazard. He added that he had wished to be more informed, however, regarding the plans, and hoped the development would not "block [his] property completely" and harm business at his convenience store.

Ms. Davis displayed a rendering of the current property, with Mr. Haru's property adjacent, and explained that one building will be demolished, which will "open up" the corridor for the convenience store. Only a parking lot and a small landscaping buffer are planned for the space between the two buildings.

With regard to Mr. Rafter's earlier comments, Ms. Davis stated that the Applicant had presented to the Lake Ridge Civic Association on May 29, 2009, and did not hear "one negative comment" from those present. She also pointed out that the site in question has always been used as a commercial site, despite the RMM-25 zoning of a portion of the property.

There being no further members of the public wishing to speak on this item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

Mr. Stresau asked Director Brewton to provide a brief overview of "what's happened since 1973" along the Sunrise Boulevard corridor, and why it is important to redevelop that area.

Director Brewton advised that some years ago a provision in Code allowed for "transitional zoning," which explains why the site in question had previously had commercial uses despite its residential zoning. Transitional zoning allowed any commercial property abutting residential property for 150 ft. to "use that property for zoning." Code has since been revised to call this "flex zoning" and allow it for new development, with the existence of a site plan that ensures a "positive addition to the City." He concluded that this has allowed "better product to be developed" along the Sunrise Boulevard corridor.

Mr. Stresau stated he was "astounded" that during the planning process, Staff has allowed access from US-1 to remain, and advised this would cause him to vote against the project, although he feels the site plan "works." He did not feel a right "turn-in" only should be allowed from Sunrise Boulevard when there is access to both side streets, and asserted this does not occur on any redevelopment previously approved by the Board. He did not feel it was appropriate to allow a new development to maintain an existing "curb cut" and use it as an access point into the property.

Ms. Davis responded that US-1 is "an FDOT roadway," and the Applicant had to appear before that Department to request a variance for this turn. FDOT had found the right turn only to be acceptable, in a similar manner, she noted, to that of a Walgreen's to the west of the site.

**Motion** made by Ms. Freeman, seconded by Mr. Stresau, to approve the rezone and site plan approval, with Staff conditions. In a roll call vote, the **motion** carried 5-2 (Mr. Stresau and Mr. Witschen dissenting).

6. **School Board of Broward County /**  
**Stranahan High School**

**Thomas Lodge 3P09**

**Request: II**

**Plat Review**

Legal Description: That portion of Block D, RIVERSIDE NO. 2, according to the plat thereof, as recorded in P.B. 1, P. 104, of the Public Records of Miami-Dade County, Florida

Address: 1800 SW 5 Place

General Location: East side of Riverside Drive between SW 5 Place and SW 9 Street

District: 4

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Joe Handley, representing the Applicant, stated they are present to request a boundary plat for Stranahan High School. The plat is restricted to 390,000 sq. ft. of public high school, with 72,716 sq. ft. to remain and 317,284 proposed.

He added the Applicant is in agreement with the Staff Report.

Thomas Lodge advised the parcel to be platted is 37.9 acres, currently zoned CF. He concluded that the Application is consistent with the Comprehensive Plan, and Staff finds the plat to conform with the requirements for 47-24.5 subdivision.

As there were no questions from the Board at this time, Vice Chair Welch opened the public hearing.

Dave Marshall, Director of the Riverside Park Residents' Association, advised that he would have preferred to meet directly with representatives of the proposed project; however, his Residents' Association had not been aware of the project's upcoming appearance on tonight's Agenda. He noted that "some of what we requested" was information only.

He stated that the Association wished for the plat to be amended to read "72,716 sq. ft. existing to remain," as "existing" had caused some confusion among residents. He noted it is now the community's understanding that the Applicant plans to tear down approximately 200,000 sq. ft., leaving 72,716 sq. ft. of existing building, and then constructing a new building that is larger than the previously existing structure. He requested that this proposed amendment be made to the plat note.

In addition, it is the Association's understanding that the School Board plans to create a larger facility, adding roughly 100,000 sq. ft. He did not recall that the Association has seen "exact square footage," although he noted there had been presentations of "proposed site plans," and the neighborhood was generally satisfied with what had been proposed for the site plan.

He pointed out that when roughly 100,000 sq. ft. are being added to a plat note of this type, traffic mitigation would be assessed for a commercial development. Mr. Marshall noted this requirement is not applied to governmental associations; however, the neighborhood has experienced "long-standing traffic concerns" with respect to the school's impact on local traffic, and the Association asked that a neighborhood traffic mitigation study be added as a condition of plat approval.

Mr. Handley addressed these concerns, advising that the increase will be of roughly 60,000 sq. ft. rather than 100,000 sq. ft. He also asserted that signs announcing the public hearing were posted "all the way around the property."

Regarding traffic mitigation, he agreed that the School Board is not subject to Broward County traffic impact fees. As the project is not currently funded and the Applicant cannot say when it will be built, it had not seemed sensible to commission a study at this time; later on, when the project is funded, Mr. Handley felt a traffic mitigation study should be part of the site plan review from the School Board, rather than from the City, as the site plan "does not go through the City." He added that making traffic mitigation a condition of plat approval was "not a normal condition."

Director Brewton felt Mr. Marshall had raised a very important point regarding the traffic, which is always an issue when development is surrounded by residential properties. He felt some issues can be worked out at site plan level; however, Mr. Marshall stated the community does not get to see the site plan, and the question became whether they trust the School Board, or, as Director Brewton noted, the Staff.

The Applicant may appeal any decisions made regarding points with which they disagreed before the Planning and Zoning Board, Mr. Brewton continued. Mr. Stresau pointed out, however, that if Staff must review the plat for compliance with the Comprehensive Plan, the Board's approval of the plat would include reviewing Staff's comments on traffic.

Assistant City Attorney Miller stated that plat approval requires adequacy, and her presumption was that this was reviewed by Staff and the Board has access to Staff's comments. She added that this was at a "higher, less specific level" than site plan review, as the assumption is that the note on a plat is "actually a limitation on what could be developed," and the property must fall within these limitations. It does not approve the use, which must come under zoning. It is expected that Staff reviews the site plan for purposes of the plat, at a particular intensity.

Mr. Stresau explained he had asked Assistant City Attorney Miller, six months ago, to write an explanation of plats, as he was "frustrated" that Board members at that time saw fit to "drag in approval of a site plan" while actually reviewing the plat. He continued, however, that as the neighborhood has raised the issue of traffic, unless the Director "felt comfortable" reviewing the site plan at the time of development, the only attempt to have a traffic study done was during review of the plat.

Mr. Stresau added that he for one did not trust the School Board, as there is "no recourse" to address a situation if the Applicant has not been sufficiently straightforward.

He concluded that if there is a way to ensure, at this meeting, that the traffic is studied as part of the plat review, and the Director felt comfortable with the Applicant bringing the site plan to Staff, he would feel comfortable with it.

Director Brewton stated he felt confident that when the site plan came to Staff for review under the DRC process, there would be "a tremendous amount of consideration" requested for a traffic study to be presented, showing the effect of the development on the area. He felt it is "well-documented" that traffic is consistently an issue when a school development is in consideration.

Mr. Marshall pointed out that the Association is having a dialogue with the school, who has done "some degree" of a traffic review. He felt one of the neighborhood's issues is that the school was originally an elementary school, and at no previous point had anyone requested a review.

Director Brewton noted that neighborhood associations receive a copy of the DRC Agenda, and at this point, every DRC Applicant is encouraged to meet with the neighborhood prior to the initial DRC review. Neighborhood representatives often attend these meetings whenever they see an Agenda Item that affects their neighborhood; therefore, while these representatives may not be voting members of the DRC, they are given the chance to express their concerns with any given project. When Staff hears these comments, Director Brewton advised, they often take steps to ensure the issues that have been raised are addressed. He felt confident this issue would be addressed.

There being no further members of the public wishing to speak on this Item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

Mr. Witschen asked Director Brewton if the issue of "traffic flow" will be discussed, as this has been an issue with the school in question. He also asked if non-vehicular access lines will be added to the plat in order to restrict the flow of traffic.

Director Brewton stated that, at the site plan level, ingress and egress to and from the property will most likely be studied, and he did not find it probable that no traffic study would be requested "with a project this size."

Mr. Stresau felt it should be stated for the record that "[Staff] will ask for a traffic study." Director Brewton stated they would make this request.

**Motion** made by Mr. Witschen, seconded by Mr. McTigue, to approve plat review with condition of a traffic study. In a roll call vote, the **motion** carried unanimously.

**7.     IL Lugano, LLC / IL Lugano Hotel                      Thomas Lodge     34R09**

**Request: \*\*                      Site Plan Level III – Change of Use**

Legal Description: All of Lot 15, Block 1, GALT OCEAN MILE, according to the plat thereof recorded in P.B. 34, P. 16, of the Public Records of Broward County, Florida and all that part of Lot 1, Block 12, in said GALT OCEAN MILE, which lies south of the south boundary line of Parcel "A," CORAL RIDGE TOWERS, according to the map or plat thereof as recorded in P.B. 53, P. 24, of the Public Records of Broward County, Florida

Address:                      3333 NE 32 Avenue

General Location:     East side of NE 32 Avenue

District:                      1

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Robert Lochrie, representing the Applicant, stated IL Lugano is a "boutique hotel," originally approved in 2005 and currently in operation. It includes 105 hotel rooms and 23 residential units. More recently, a ground floor restaurant was approved and is now part of the project.

As part of that request, a condition that a paved walkway be added to the north side of the property in a pedestrian easement was attached to the approval. The walkway was added "right away" and Mr. Lochrie displayed a photograph for the Board.

The present request is for an internal improvement, and no changes will be made to the hotel's exterior. The Applicant is asking to eliminate the top floor penthouse unit and convert it into meeting room/function area space. The residential penthouse has never been occupied, and the use is consistent and ancillary to the regular hotel use. There is presently only one meeting room in use at the hotel.

This change would require IL Lugano to provide 18 additional parking spaces, all of which are accommodated within the existing garage as part of the valet parking system.

Mr. Lochrie pointed out that the future land use designation on the parcel should be listed as commercial, rather than high residential. The hotel provides 201 required parking spaces rather than the 182 listed in the Staff Report. Aside from these exceptions, he noted that the Applicant is in agreement with this Report.

Thomas Lodge agreed with the exceptions Mr. Lochrie had pointed out, and stated that the request would convert 8000 sq. ft. of unused residential space into non-residential meeting space inside the hotel. The project is in compliance with 47-25.3, adequacy, and 47-25.4, neighborhood compatibility. The 18 additional parking spaces would be provided by use of mechanical lifts on the building's fifth floor. The proposed development is consistent with the Comprehensive Plan for mixed-use developments and the density allowed in the land use.

Ms. Freeman asked if there would be one large meeting room as a result of the conversion, or "several." Mr. Lochrie confirmed that there are five separate spaces, which can be combined if necessary. He showed a rendering of the rooms' configuration, including an "accordion wall." The total square footage for all these areas is 8000 sq. ft. It will be used primarily for guests, although the space could also be used to host visitors.

Ms. Tuggle asked what number of people could occupy this square footage. Mr. Lochrie replied this would be 290 people, should all rooms be occupied at the same time. He added that occupancy has been reviewed by the Fire Department and City building officials.

Ms. Tuggle asked if the 210 parking spaces currently exist. Mr. Lochrie stated there are sufficient parking stalls, but 18 additional spaces will be provided via the lift system.

Ms. Tuggle explained she wished to know where the parking capacity would be accommodated, should a function be hosted in the meeting room or rooms. Mr. Lochrie responded that function room space has a "lower ratio" than other types of space, as it is presumed that a majority of the people who will be using the space are already parked as guests of the hotel.

He pointed out that as the proposed meeting space occupies separate rooms, it would be unlikely to have to accommodate the entire 290-person capacity. In addition, there are "three or four lots" of metered public parking in the vicinity of the hotel that could provide overflow parking.

As there were no further questions from the Board at this time, Vice Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Vice Chair Welch closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Freeman, seconded by Mr. Stresau, to approve Site Plan Level III as requested. In a roll call vote, the **motion** carried unanimously.

**8. For the Good of the City**


**Motion** made by Mr. Stresau, seconded by Ms. Freeman, to nominate Vice Chair Welch for the position of Chair. In a voice vote, Vice Chair Welch was unanimously elected Chair.

**Motion** made by Mr. Stresau, seconded by Vice Chair Welch, to nominate outgoing Chair Maus as Vice Chair.

**Motion** made by Ms. Freeman to nominate Mr. McTigue as Vice Chair.

In a roll call vote, Mr. McTigue was elected Vice Chair.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:42 p.m.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]